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| 10/549,282      | 09/13/2005  | Kwan-Jun Choi        | 15881 B (SW-971166) | 2456             |

7590 06/09/2006

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| EXAMINER |
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YIP, WINNIE S

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| ART UNIT | PAPER NUMBER |
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3636

DATE MAILED: 06/09/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/549,282

Applicant(s)

CHOI, KWAN-JUN

Examiner

Winnie Yip

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

This is a first office action for application Serial No. 10/549,282 which is a 371 of PCT/CN 04/01262 filed November 8, 2004.

#### ***Specification***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention. In the specification, page 4, the following terms: “the middle cross point” (line 7), “the “right middle point forward far end” (lines 10-11), “the distance” (lines 11 and 12), “pivoted point E” (line 12), “the pivoted point D” (lines 13), “inter-pivoted points B” (line 15), “the rim” (line 16), and “the pivoted point lack a proper antecedent basis. Therefore, it is confusing what is meant by “the right middle cross point forward far end” and “the rim of the tent”. Clarification is required. No new matter can be entered.

#### ***Claim Objections***

3. The claims 1-3 are objected to because they include reference characters (i.e., 1, 2, 3 etc.) that are not enclosed within parentheses.

Reference characters corresponding to elements recited in the detailed description of the drawings and used in conjunction with the recitation of the same element or group of elements in

Art Unit: 3636

the claims should be enclosed within parentheses so as to avoid confusion with other numbers or characters which may appear in the claims. See MPEP § 608.01(m).

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-3 are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

Regard to claims 1-3, as described in the objection to the specification, the terms “the cross point” (claim 1, line 4), “said cross pivoted point A” (claim 1, line 5), “the distance” (claim 3, line 1), “the setoff cross pivoted point A” (claim 3, line 2), “the inter-pivoted point C” (claim 3, line 2), and “the pivoted point D” (claim 3, line 4) lack a proper antecedent basis. All features must be clearly defined with proper antecedent basis and same terminology.

Therefore, it is confusing whether the inter-pivoted point is the same as the cross pivot point at the upper and lower braces. The language “said upper and lower brace are inter-pivoted at the cross point” appears to define the inter-pivoted point equal to the cross pivot point. However, this language is inconsistent to what is defined in the specification. According to the specification (page 4), the upper and lower braces (1, 2) are pivoted at a cross pivoted point A to form a unit of brace set, and an outer ends of the upper and lower braces of two brace sets being pivotally connected to each other at a inter-pivoted point (C, B). Appropriated connection is required. Because of confusion in claim 1, it is unclear what is different between “said cross

Art Unit: 3636

pivoted point A of said upper and lower braces (1,2)” and “said cross pivoted point A of side lower braces 2”. It is not clear what does mean by “wherein said cross pivoted point A of side lower braces 2 is setoff forward far from the pole 3” since the cross point A is formed by a cross-connection between the upper and lower braces. Clarification is required.

In addition, the term “side lower brace 2” (claim 1, line 5) appears to read “said lower brace 2”

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

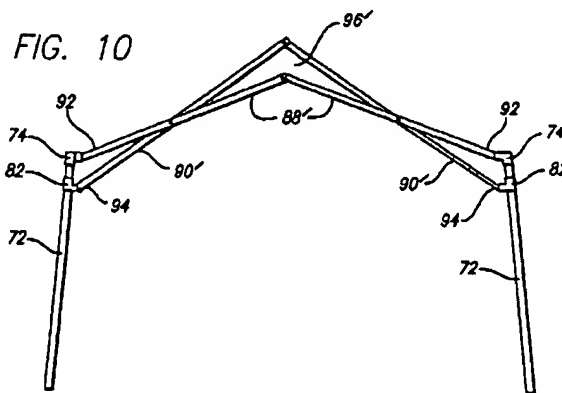
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-2, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Carter (US Patent No. 6,502,597).

Carter shows and teaches a foldable tent (see Figs. 9-10) comprising a plurality of poles (72), each pole (72) having a static hub (74) mounted on an upper end (or tip) of the pole, and a sliding hub (82) slidably fitting on the pole, two upper braces (92) and two lower braces (90') being pivotally connected between two poles to define a side of the tent, each upper brace (92) having one end being pivotally connected to the static hub of the respective pole, each lower brace (94) having one end being pivotally connected to the sliding hub of the respective pole, wherein the upper and lower braces on one pole are pivoted at a cross pivot point (A) to form a unit of brace set, and each of the upper and lower braces of two brace sets between two poles

Art Unit: 3636

having outer ends are pivotally connected together at inter-pivoted point (B, C), the cross pivot point (A) of the upper and lower braces (2) is setoff forward away from the pole, and a distance from the setoff cross pivot point (A) to a pivoted point (D) of the upper brace and the static hub (74) is substantially less than a distance from the setoff cross pivot point (A) to a pivoted point (D) of the lower brace (92) and the slidable hub.



8. Claims 1-2, as better understood, are rejected under 35 U.S.C. 102(a) as being anticipated by Morinobu (Japanese Patent No. 2004-27803).

Morinobu shows and teaches a foldable tent (see Figs. 2) comprising a plurality of poles (2), each pole (2) having a static hub (2a) mounted on an upper end (or tip) of the pole, and a sliding hub (2b) slidably fitting on the pole, two upper braces (7a) and two lower braces (7b) being pivotally connected between two poles to define a side of the tent, each upper brace (7a) having one end being pivotally connected to the static hub of the respective pole, each lower brace (7b) having one end being pivotally connected to the sliding hub of the respective pole, wherein the upper and lower braces on one pole are pivoted at a cross pivot point (7c) to form a unit of brace set (8), and each of the upper and lower braces of two brace sets between two poles

Art Unit: 3636

having outer ends are pivotally connected together at inter-pivoted point (7d), the cross pivot point (7c) of the upper and lower braces is setoff forward away from the pole, and a distance from the setoff cross pivot point (7c) to a pivoted point (2c1) of the upper brace and the static hub is less than a distance from the setoff cross pivot point (7c) to a pivoted point (2b2) of the lower brace (7b) and the slidable hub.

9. Claims 1-2, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Rhee (US Patent No.6,148,835).

Rhee shows and teaches a foldable tent frame comprising a plurality of poles (10), each pole (10) having a static hub (30) mounted on an upper end (or tip) of the pole, and a sliding hub (31) slidably fitting on the pole, two upper braces (51) and two lower braces (52) being pivotally connected between two poles to define a side of the tent, each upper brace (51) having one end being pivotally connected to the static hub (30) of the respective pole, each lower brace (52) having one end being pivotally connected to the sliding hub (31) of the respective pole, wherein the upper and lower braces are pivotally connected at a cross pivot point (54) to form a unit of brace set, and the upper braces and lower braces of two brace set being pivotally connected at an inter-pivoted point (F, G), the cross pivot point (54) of the upper and lower braces is setoff forward away from the pole (10), and a distance from the setoff cross pivot point (54) to a pivoted point of the upper brace (51) and the static hub (30) is substantially less than a distance from the setoff cross pivot point (54) to a pivoted point of the lower brace (52) and the slidable hub (32).

10. Claims 1-3, as better understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Ochi (Japanese Patent No. 2003-321951).

Ochi shows and teaches a foldable tent (See Fig. 2) comprising a plurality of poles (2), each pole (2) having a static hub (no number) mounted on an upper end (or tip) of the pole, and a sliding hub (2a) slidably fitting on the pole, two upper braces (41) and two lower braces (42) being pivotally connected between two poles to define a side of the tent, each upper brace (41) having one end being pivotally connected to the static hub of the respective pole, each lower brace (42) having one end being pivotally connected to the sliding hub of the respective pole, wherein the upper and lower braces on one pole are pivoted at a cross pivot point (4a) to form a unit of brace set, and each of the upper and lower braces of two brace sets between two poles having outer ends are pivotally connected to an outer ends of the upper and lower braces of another brace set at inter-pivoted point (42c, 41c), wherein the cross pivot point (42) of the upper and lower braces (42, 41) is setoff forward away from the pole, and a distance from the setoff cross pivot point (4a) to a pivoted point (41a) of the upper brace and the static hub is less than a distance from the setoff cross pivoted point (4a) to a pivoted point (42d) of the lower brace (92) and the slidable hub (2a), and a distance (L2) from the setoff cross pivot point (4a) to the inter-pivoted point (42c) of the lower brace (42) is substantially less than to a distance (L1) from the setoff cross pivot point (4a) to a pivoted point (41d) of the upper brace (41) and the static hub.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carter '597 or Morinobu '27803 or Rhee '835 as applied to claim 1 above.

The claim is considered to meet by Carter or Morinobu or Rhee as explained and applied set forth above rejections except that Carter or Morinobu or Rhee does not show or define the foldable tent frame comprising a distance from the setoff cross pivoted point (A) to the inter-pivoted point (C) of the lower brace is less than or equal to a distance from the setoff cross pivoted point (A) to the pivot point (D) of the upper brace and the static hub (74). However, it would have been obvious to one ordinary skill in the art, at the time the invention was made, to modify the foldable tent frame of Carter or Morinobu or Rhee to short the length of the lower braces at the outer ends of the braces to define the distance from the cross pivoted point (A) to the inter-pivoted point (C) of lower brace less than or equal to the distance between the cross pivoted point (A) to the pivoted point of upper brace (92) and the static hub as claimed as an obvious constructional design choice to prefer equal well a tent frame with lower the roof to reduce the use of the constructional materials and to accommodate the variety sizes of applications.

Art Unit: 3636

### *Citations*

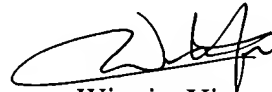
13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Liu '614, Morgante et al. '538, and Lynch '020, and Japanese Patent No. 2003-227249 teach a tent frame having upper and lower braces being inter-pivoted at a cross point with the distance between the cross point and the static hub substantially different than the distance between the cross point and the slidable hub as similar to the claimed invention.

### *Inquiry Contacts*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Winnie Yip whose telephone number is 571-272-6870. The examiner can normally be reached on M-F (9:30-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Cuomo can be reached on 571-272-6856. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Winnie Yip  
Primary Examiner  
Art Unit 3636